

Land Use Application for Site Design Review Fairfield Inn By MARRIOTT

Date:

December 16, 2021

Revised: February 14, 2022

Submitted to:

City of Newberg
Planning Department
414 E 1st Street
Newberg, OR 97132

Applicant:

Hawkins Companies
855 West Broad
Boise, ID 83702



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- Exhibit A: Preliminary Development Plans
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 - Exhibit C: Property Title Information
 - Exhibit D: Public Notice Information
 - Exhibit E: Covenants, Conditions & Restrictions
 - Exhibit F: Correspondence with Fire Marshal
 - Exhibit G: Preliminary Stormwater Report
 - Exhibit H: Sewer Evaluation Analysis
 - Exhibit I: Sight Distance Memo
 - Exhibit J: Geotechnical Report
 - Exhibit K: Pre-Application Conference Notes
 - Exhibit L: Parking Determination Approval
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Submitted to:	City of Newberg Planning Department 414 E 1 st Street Newberg, OR 97132
Applicant:	Hawkins Companies 855 West Broad, STE 300 Boise, ID 83702
Owner:	Werth Family, LLC 33180 NE Haugen Road Newberg, OR 97132
Site Location:	Brutscher and Pacific Highway West
Assessor's Map:	Yamhill County Assessor's Map 3216 Tax Lot 1900 & 2002
Site Size:	±1.95 acres total
Land Use Districts:	C-2 (Community Commercial District)

I. Executive Summary

Hawkins Companies (the Applicant) is submitting this application for Type II site design review for development of the property near the southeast corner of Brutscher Street and Pacific Highway, on the remainder of Tax Map 3216 Tax Lots 1900 and 2002. The property is ±1.53 acres. This project proposes an 79-room, 4-story hotel, a Fairfield Inn by MARRIOTT. This structure will be placed at the center of the property, facing Brutscher Avenue, with all necessary site development improvements. Primary access is planned for the southern-most access point to Brutscher Street, and additional points of entry are shared with the existing property owner to the north. All proposed development will meet the requirements of the City of Newberg Municipal Code (NMC).

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. Site Description/Setting

The subject property is a rectangular-shaped ±1.95-acre parcel with generally flat topography. The property is zoned C-2 (Community Commercial). The adjacent lot to the north is developed with Columbia Bank, and the Newberg Veterinarian Hospital. Property to the east is developed with Newberg Ford. Property to the south is improved with Argyle Wine Distribution. Property to the west is Brutscher Street, and the Crystal Crossroads office building. The property has a comprehensive plan designation of C (Commercial). The objective of this designation is to provide a compatible mixture of commercial uses, such as retail businesses, retail food establishments, personal service establishments, and offices.

III. Applicable Review Criteria

Design Compatibility: The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not limited to, building architecture, materials, colors, roof design, landscape design and signage.

RESPONSE: As proposed, the Fairfield Inn is compatible with or superior to existing or proposed uses and structures in the surrounding area. The building is designed to create interest and durability through the use of fiber cement and wood plank siding. Elements of stone veneer, stone coping, steel canopies and fascia create subtle tones and features to create interest in design.

Parking and On-Site Circulation: Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

RESPONSE: Section NMC 15.440.010 of the Newberg Development Code defines the off-street parking facilities that are required of new development. NMC 15.440.030 defines the required number of required off-street parking spaces, by land use. Hotels are required to provide one (1) off-street parking space for each guest room provided. Our proposed Fairfield Inn will have 80 guest rooms, and the developed site improvements will provide 80 off-street parking spaces, which meets the NMC standards.

To facilitate safe and convenient access on and off the property, we have specifically emphasized the southern-most access point on Brutscher Street to be the main access point. That will allow vehicles to enter the property in a fashion that brings them directly to the front door of the Fairfield Inn, under the porte cochere. Upon completion of checking in to the Fairfield Inn, patrons can then safely exit the structure to park their vehicle.

Setbacks and General Requirements: The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, clear vision triangles, and yard requirements.

RESPONSE: The Fairfield Inn hotel will be considered the “main building” (15.415.010) on the property.

Though the C-2 zoning district does not have a height limitation, the Fairfield Inn is proposed to be four stories in height (15.415.020). The Fairfield Inn will be a business open to the general public, and access to the facility is provided by Brutscher Street, which is public right of way (15.415.040).

NMC 15.405.010 states that any lot within the C-2 district shall be a minimum of 5,000 square feet. Our parcel is 1.92 acres, thereby meeting that standard.

NMC 15.405.030 establishes the standards for Lot dimensions and frontage. Our property has 250 linear feet of frontage on Brutscher, and approximately 70 feet in depth, meeting both the lot frontage and lot depth requirement.

Landscaping Requirements: The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

RESPONSE: This section of the code defines the criteria established for required landscaping and screening requirements. Per Section 15.420.010, our site is required to provide two different landscaping standards. 15% of the overall site shall be improved with landscaping, and 25 square feet of landscaping, per parking space provided within the parking field.

Our property is 83,683 square feet in area, which would require 12,552 square feet of landscaping. Our site provides 25,881 square feet of landscaping, which exceeds the district minimum standard.

Our parking field provides 80 off-street parking spaces, which would require 2,000 square feet of landscaping within the parking field. Our site provides 10,311 square feet, which exceeds the district minimums.

Section 15.420.B.3.h states that “One deciduous shade per seven parking spaces shall be planted to create a partial canopy over and around the parking area.”

Our parking field has 80 off-street parking spaces ($80/7=11$), which would require 11 deciduous trees located within the parking field. Our plans show a minimum of 15 deciduous trees within the parking field, thereby exceeded this standard.

Landscape plans submitted also meet street tree frontage requirements, as well as shrubs and groundcovers.

Signs: Signs shall comply with NMC 15.435.010 dealing with signs.

RESPONSE: The Fairfield Inn package has identified three types of signage for the business: free-standing monument; wall signage on the porte cochere to high-light the entrance; and attached wall signage on all four sides of the building.

A free-standing monument will emphasize the main entrance from Brutscher Street. This sign will be six feet in height, and have 45 square feet of copy area. The structure of the sign will be built using similar materials as the hotel, and the pan channel letters will be internally illuminated.

The porte cochere will be located on the west elevation, and approximately 8 square feet in area. This sign will also use pan channel letters that will be internally illuminated.

Plans also show attached wall signage on all four sides of the structure. Section 15.435.070 states that businesses within the C-2 zone are allowed one square feet of copy area per each linear foot of building that the sign will be mounted upon.

The north and south elevations of the building will use the same size of attached wall signage. Each frontage is approximately 50' linear feet, which would allow a 50 square foot sign. Fairfield Inn proposes attached wall signage that is 46 square feet, which is less than what the code will allow.

The west and east elevations of the building will also use the same size of attached wall signage. Each of these frontages is approximately 175 linear feet in length, which would allow a 175 square foot sign on each elevation. Fairfield Inn proposes attached wall signage that is 94 square feet, which is substantially less than what the code will allow.

All of the attached wall signage will use pan channel letters that are directly mounted to the building. They will be internally illuminated for night time use.

Manufactured Dwelling, Mobile Home and RV Parks: Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section.

RESPONSE: Our application is not for a manufactured dwelling unit, mobile home, nor Recreational Vehicle (RV) park. Therefore, this section is Not Applicable.

Zoning District Compliance: The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this Site Review process, the Director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the Director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than

those specifically listed.

RESPONSE: Per the Zoning Use Table contained within the NMC, a “hotel” is listed as a Permitted use in the C-2 zone.

Sub District Compliance: Properties located within sub-districts shall comply with the provisions of those sub-districts located in NMC 15.348.060.

RESPONSE: Per the Newberg Comprehensive Plan, the property for the proposed Fairfield Inn & Suites is not located within the Institutional Overlay District, and therefore this section is Not Applicable.

Alternative Circulation, Roadway Frontage Improvements and Utility Improvements:
Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with City street standards and the standards contained in the Transportation Plan. At the discretion of the City, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

RESPONSE: All required street improvements to Brutscher Street are in place, and no street expansion is a part of the plan to develop this property.

Traffic Study Improvements: If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Director.

RESPONSE: Hawkins Companies has completed the traffic study. It has been submitted and ODOT comments have been received and are contained within the application.

CITY OF NEWBERG DEVELOPMENT CODE

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.030 Type II procedure.

- A. Type II development actions shall be decided by the director.
- B. Type II actions include, but are not limited to:
 - 1. Site design review.
- C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.
- D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.
- E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.
- F. If the director’s decision is appealed as provided in subsection (E) of Fairfield by MARRIOTT

this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.

- G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.
- H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure.

Response: Our application is for site plan and design review of a hotel located within the C-2 Community Commercial zone, which is a Type II application with the city of Newberg.

15.100.140 Permit decision – Type II.

- A. The director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application, unless it is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A).
- B. The applicant shall provide notice pursuant to NMC 15.100.200 et seq. together with a 14-day comment period for the submission of written comments prior to the decision.
- C. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.
- D. The director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to NMC 15.100.160 et seq. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to NMC 15.100.160 et seq.
- E. Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.
- F. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.
- G. The director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with code requirements.
- H. Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.
- I. Type II applications are required to be reviewed under the Type III procedures at the request of the applicant, or the application is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A), or through an appeal of the director's

decision. Type II development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be completed by the director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the director as a Type I process.

Response: This application is for a Type II site design review. It is understood the permit decision and appeal procedures of the above-listed sections apply to this application.

5.100.160 Appeal procedures.

- A. Type I. An appeal of a Type I decision by the director may be appealed within 14 calendar days of the date of the decision by the director. Appeals may be made only by an affected party, Type I (the person or party submitting the application). Appeals of a Type I application are processed as a Type III procedure and proceed to the planning commission.
- B. Type II. An appeal of a Type II decision by the director may be appealed within 14 calendar days of the date of the decision. Appeals may be made only by an affected party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission.
- C. Type III. An appeal of a Type III decision by the planning commission may be appealed within 14 calendar days of the date of the planning commission's written decision. Appeals may be made only by an affected party, Type III.

Response: This application is for a Type II site design review. It is understood the permit decision and appeal procedures of the above-listed sections apply to this application.

5.100.170 Notice of appeal – Type I, II and III.

- A. An appeal for Type I, II, and III decisions shall include an identification of the decision sought to be reviewed, the date of the decision and shall be accompanied by a notice of appeal form provided by the planning and building department. The notice of appeal shall be completed by the applicant and shall contain:
 - 1. An identification of the decision sought to be reviewed, including the date of the decision.
 - 2. A statement of the interest of the person seeking review and that they were a party to the initial proceedings.
 - 3. A detailed statement of the specific grounds on which the appeal is filed.
- B. Notice shall be filed with the community development department together with the filing fee and deposit for transcript costs.

Response: This application is for a Type II site design review. It is understood the permit decision and appeal procedures of the above-listed sections apply to this application.

15.100.200 Compliance required.

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article.

Response: This application is for a Type II site design review. It is understood the permit decision and appeal procedures of the above-listed sections apply to this application.

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

- A. Type I Actions. No public notice is required.
- B. Type II and Type III Actions. The applicant shall provide public notice to:
 - 1. The owner of the site for which the application is made; and
 - 2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.
 - 3. To the owner of a public use airport, subject to the provisions of ORS 215.416 or 227.175.
- C. The director may request that the applicant provide notice to people other than those required in this section if the director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the director believes may be affected by the decision.
- D. The director shall provide the applicant with the following information regarding the mailing of notice:
 - 1. The latest date by which the notice must be mailed;
 - 2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and
 - 3. A sample notice.
- E. The notice of a Type II and Type III development application shall be reasonably calculated to give actual notice and shall:
 - 1. Set forth the street address or other easily understood geographical reference to the subject property;
 - 2. List, by commonly used citation, the applicable criteria for the decision;
 - 3. Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;

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4. Explain the nature of the application and the proposed use or uses which could be authorized;
 5. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
- F. Prior to mailing or posting any notice required by this code, the applicant shall submit a copy of the notice to the director.
 - G. The applicant shall mail the notice for Type II actions at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.
 - H. The applicant shall mail the notice for Type III actions at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.
 - I. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.
 - J. Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:
 1. Postponement of a decision until the mailing requirements have been met; or
 2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
 3. The entire process being invalidated; or
 4. Denial of the application.

Response: The Applicant will provide public notice as required by NMC 15.100.210. A mailing list and a draft mailing notice are included. The criteria are met or will be met when applicable.

15.100.220 Additional notice procedures of Type II development applications.
In addition to the requirements of NMC 15.100.210, mailed notice for development actions shall also contain the following:

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;

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- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
 - F. Briefly summarize the local decision-making process.
 - G. Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the planning commission.

Response: Draft notice materials meeting the requirements of this section are included. The criteria are met.

- 15.100.260 Procedure for posted notice for Type II and III procedures.
- A. **Posted Notice Required.** Posted notice is required for all Type II and III procedures. The notice shall be posted on the subject property by the applicant.
 - B. **Notice Information Provided by City.** The director shall provide the applicant with the following information regarding the posting of notice:
 - 1. The number of notices required;
 - 2. The latest date by which the notice must be posted;
 - 3. An affidavit of posting (to be signed and returned) certifying that the notice was posted on site, acknowledging that a failure to post the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to post will result in the automatic postponement of a decision on the application; and
 - 4. A sample notice.
 - C. **Submission of Notice.** Prior to posting any notice required by this section, the applicant shall submit a copy of the notice to the director for review.
 - D. **Size, Number and Location Requirements.** A waterproof notice which measures a minimum of two feet by three feet shall be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction of 600 feet. If possible, notices shall be posted within 10 feet of a street lot line and shall be visible to pedestrians and motorists in clear view from a public right-of-way. Notices shall not be posted in a public right-of-way or on trees.
 - E. **Contents of Notice.** The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at the Newberg planning and building department.
 - F. **Standards and Timing, Type II Actions.** The applicant shall post the notice at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.
 - G. **Standards and Timing, Type III Actions.** The applicant shall post the notice at least 10 days before the first scheduled hearing. The applicant shall file with the director an affidavit of posting as

identified in subsection (B) of this section within two business days after notice is posted.

- H. **Removal of Notice.** The applicant shall not remove the notice before the final decision. All posted notice shall be removed by the applicant within 10 days following the date of the final decision on the request.
- I. **Failure to Post Notice.** The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:
 - 1. Postponement of a decision until the mailing requirements have been met; or
 - 2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
 - 3. The entire process being invalidated; or
 - 4. Denial of the application.

Response: This application is for a site design review and is, therefore, a Type II action. The posted notice requirements for Type II procedures listed in this section apply to this application. Notice will be posted and documented as required. Exhibit D includes draft notice materials meeting the requirements of this section. The criteria are met or will be met when applicable.

Division 15.200 Land Use Applications

Chapter 15.220 SITE DESIGN REVIEW

15.220.020 Site design review applicability.

- A. **Applicability of Requirements.** Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.
 - 1. **Type I.**
 - a. Single-family dwellings;
 - b. Duplexes;
 - c. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;
 - d. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which do not exceed 1,000 square feet in gross floor area and do not add any new units;
 - e. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;

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- f. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;
 - g. Signs which are not installed in conjunction with a new development or remodel;
 - h. Modifications, paving, landscaping, restriping, or regrading of an existing duplex, multifamily, institutional, commercial or industrial parking lot;
 - i. Fences and trash enclosures.
 - j. Accessory dwelling units.

Response: The planned improvement is not listed as a Type I review use. Therefore, Type II site design review is applicable to this application.

2. Type II.

- a. Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.
- b. Telecommunications facilities.

Response: The planned improvement is not listed as a Type I review use. Therefore, Type II site design review is applicable to this application.

3. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:

- a. Replacement of an existing item such as a roof, floor, door, window or siding.
- b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

Response: The planned improvement involves new development. These exemptions are not applicable to this application.

B. Development in Accord with Plans. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved as part of a final decision on a site design review.

Response: It is understood future development will need to be carried out in substantial accord with the plans, drawings, sketches, and other documents approved as part of the final decision for this application.

C. Site Design Review Time Limit. An approved site design review plan intended to be constructed in a single phase shall be valid for one year from the date of the notice of final decision. A building permit must be acquired within this time period or the design review approval shall terminate. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

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1. The land use designation of the property has not been changed since the initial design review approval; and
 2. The applicable standards in this code which applied to the project have not changed.

Response: The time limits of this section apply to this application.

- D. **Phased Design Review Approval.** If a site plan is approved to be constructed in phases, completion of each phase shall extend the expiration of the original design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the original design review approval more than five years from its original approval date.

Response: This application does not involve phased construction. This section is not applicable.

- E. **Modification to an Approved Design Review.** Following design review approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or a major modification.
 1. **Minor modifications** are those which are in substantial compliance with the layout, uses and conditions of the original design review. Generally, the characteristics of the project, such as the layout or size of buildings, number of units, number of parking spaces, landscaping areas, and similar changes, are within five percent of those in the original proposal. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved design review, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original plan. Changes shall meet all development code requirements.
 2. **Other modifications** are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. The modified application shall be reviewed under the same procedure as the original application. The criteria for approval shall be those for design review.
 3. All applications for modifications under this provision shall be considered new applications for the purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.
 4. The city council shall establish a fee for modification of approved design review by resolution.

Response: It is understood the requirements and procedures listed in this section apply to this

application.

15.220.030 Site design review requirements.

- A. Type I. Applications for Type I permit decisions shall be submitted upon forms established by the director.

Response: The planned improvement is not listed as a Type I review use. The requirements of this section are not applicable.

- B. Type II. The following information is required to be submitted with all Type II applications for site design review:

1. Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:
 - a. Access to site from adjacent right-of-way, streets and arterials;
 - b. Parking and circulation areas;
 - c. Location and design of buildings and signs;
 - d. Orientation of windows and doors;
 - e. Entrances and exits;
 - f. Private and shared outdoor recreation spaces;
 - g. Pedestrian circulation;
 - h. Outdoor play areas;
 - i. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
 - j. Areas to be landscaped;
 - k. Exterior lighting;
 - l. Special provisions for handicapped persons;
 - m. Other site elements and spaces which will assist in the evaluation of site development;
 - n. Proposed grading, slopes, and proposed drainage;
 - o. Location and access to utilities including hydrant locations; and
 - p. Streets, driveways, and sidewalks.

Response: The Preliminary Development Plans show the information required for a site development plan per the requirements of this section. The criteria are met.

2. Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:
 - a. Relationship of adjacent lands;
 - b. Location of species of trees greater than four inches in diameter at four feet above ground level;

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- c. Existing and proposed topography;
 - d. Natural drainage and proposed drainage and grading;
 - e. Natural features and structures having a visual or other significant relationship with the site.

Response: The Preliminary Development Plans show the information required for a site analysis diagram per the requirements of this section. The criteria are met.

- 3. **Architectural Drawings.** Architectural drawings shall be prepared which identify floor plans and elevations.

Response: Architectural drawings are included with the Preliminary Development Plans. The criteria are met.

- 4. **Landscape Plan.** The landscape plan shall indicate:
 - a. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;
 - b. Proposed site contouring; and
 - c. A calculation of the percentage of the site to be landscaped.

Response: The Preliminary Development Plans include a landscape plan meeting the requirements of this section. The criteria are met.

- 5. **Special Needs for Handicapped.** Where appropriate, the design review plan shall indicate compliance with handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.
- 6. **Existing Features and Natural Landscape.** The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.
- 7. **Drives, Parking and Circulation.** Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.
- 8. **Drainage.** The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project.
- 9. **Buffering and Screening.** Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and

structures shall be shown on the plans.

10. Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.
11. Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.
12. Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the director.
13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.

Response: The Preliminary Development Plans include the information required by NMC 15.220.030, B (5) – (13), including handicapped accessibility features, existing conditions, parking and circulation, drainage and erosion control, buffers and screening, exterior lighting, trash and recycling areas, and planned roadway and utilities improvements. The criteria are met.

14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.

Response: The ITE Trip Generation Handbook – 10th Edition, Volume 2: Data indicates our “hotel” designation is estimated to generate 48 p.m. peak hour weekday vehicle trips. This rate is exceeds the “40 trips per p.m. peak hour” threshold to require a traffic study. Thus, a traffic study is included and has been submitted.

15.220.050 Criteria for design review (Type II process).

- A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

Response: The planned improvement is not listed as a Type I review use. The requirements of this section are not applicable.

- B. Type II. The following criteria are required to be met in order to approve a Type II design review request:

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1. **Design Compatibility.** The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Response: Architectural drawings are included with the Preliminary Development Plans. The drawings show a four-story hospitality structure clad in cement fiber board; wood plank siding; stone veneer and metal accents. The surrounding uses were built over many years and incorporate a variety of architectural styles. The planned structure is harmonious with the street-level location and is intended to be compatible with current and future surrounding uses. The criterion is met.

2. **Parking and On-Site Circulation.** Parking areas shall meet the requirements of NMC 15.440.010. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

Response: As discussed elsewhere in this narrative, the Preliminary Development Plans show that the planned improvements meet the parking and circulation requirements of NMC 15.440.010. The criteria are met.

3. **Setbacks and General Requirements.** The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Response: As discussed elsewhere in this narrative, the Preliminary Development Plans show the planned improvements comply with the applicable standards for setbacks, height, access, and other requirements listed in these subsections. The criterion is met.

4. **Landscaping Requirements.** The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

Response: The Preliminary Development Plans show landscaping associated with this project meets the requirements of NMC 15.420.010. The criteria are met.

5. **Signs.** Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

Response: Signs are a part of this application. Submitted free-standing and attached wall-sign associated with this project comply with NMC 15.435.010. The criteria is met.

6. **Manufactured Dwelling, Mobile Home and RV Parks.** Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria

listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

Response: This application does not involve manufactured dwellings, mobile homes, or RV parks. The criterion is inapplicable.

7. **Zoning District Compliance.** The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Response: “Hotel” is a “Permitted” use in the C-2 district, according to the Newberg Development Code – Zoning Use Table in Section 15.305.020. The criterion is met.

8. **Alternative Circulation, Roadway Frontage Improvements and Utility Improvements.** Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Response: The Preliminary Development Plans show improvements in the vicinity for the project. Sidewalks, planter strips, street trees, and other required circulation and utility improvements are shown to meet City standards. The criteria, as applicable, are met.

9. **Traffic Study Improvements.** If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

Response: As discussed above for NMC 15.220.030.B(14), a traffic study has been generated for this application.

Division 15.300 Zoning Districts

Chapter 15.305 ZONING USE TABLE

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P** **Permitted Use.** The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other Fairfield by MARRIOTT

approval in order to operate.

- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

15.305.020 Zoning use table – Use districts.

Newberg Development Code – Zoning Use Table			
#	Use	C-2	Notes and Special Use Standards
460	Hotel	P	

Response: This project involves the improvements associated with a hotel. As a hotel use, it is permitted in the C-2 district.

Chapter 15.340 AIRPORT OVERLAY (AO) SUBDISTRICT

15.340.050 Limitations.

- A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined in this code except as provided in NMC 15.340.030(B).

Response: The site is located within the Inner Horizontal Surface, which has a 150-foot height restriction per Federal Aviation Regulation (FAR) Part 77. As shown on the Preliminary Development Plans (Exhibit A), the maximum height of the flat roof is ±53 feet 0 inches. The proposed structure is below the 150-foot height maximum. This criterion is met.

- B. High density public uses as defined in this code shall not be permitted in the airport approach safety zone or the displaced threshold approach surface zone.

Response: The site is not located within the airport approach safety zone or the displaced threshold approach surface zone. This criterion is not applicable.

- C. Following July 1990, if FAA funds are used by the city to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the runway protection zone consistent with federal requirements.

Response: This application does not involve development at or in conjunction with the airport. This criterion is not applicable.

- D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height
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limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

Response: The site is located within Area C-2, as shown in Exhibit "A" of Ordinance 2006-2657: Specific Plan Map Amendment. As shown on the Preliminary Development Plans (Exhibit A), at ±53 feet 0 inches, the height of the flat roof is below the 150-foot height maximum per NMC 15.346.070(B)(6)(c) below. This criterion is met.

- E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach safety zone.

Response: The proposed building is clad in cement fiber and wood siding, with standard roofing materials for a flat roof and standing seam metal. No materials will produce glare. This criterion is met.

- F. In noise-sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise-sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The director will review building permits for noise-sensitive developments.

Response: Subject site is more than 1,500 feet from the airport and not within established noise contour boundaries. This criterion is not applicable.

- A. Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific plan overlay subdistrict shall supplement and supersede standards and procedures of this code. The specific plan shall be adopted as an exhibit to the SP overlay zone subdistrict and the SP overlay plan district.

Response: It is understood the standards and procedures of the Specific Plan Subdistrict shall supplement and supersede other standards and procedures of this code.

base zone and the subdistrict.

1. Street and Pedestrian Pathway Standards. Street and pedestrian pathway development standards are established in NMC 15.505.010 et seq. and NMC 15.505.210 et seq.

Response: The Preliminary Development Plans show planned frontage improvements for the project meet the requirements of NMC 15.505.010 and NMC 15.505.210. This standard is met.

2. Residential Design. Multiple, nonrepetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences on any street frontage.

Response: This application does not involve residential development. This standard does not apply.

Response: The site is located within Area C-2, as shown in Exhibit “A” of Ordinance 2006-2657: Specific Plan Map Amendment. Interior yard setbacks will be 5 feet, per the section above. Because the development does not involve residential uses, other setbacks will be determined by the base zone as stated in NMC 15.346.070(B)(6)(b). Setback standards for the site are discussed Chapter 15.410 NMC below. This standard is met.

- a. **Building Heights.** Building height limits shall be the same as those in the base zone. An exception is for areas F-1 and F-2, which shall have a maximum building height of 50 feet.

Response: The site is located within Area C-2, as shown in Exhibit “A” of Ordinance 2006-2657: Specific Plan Map Amendment. As shown on the Preliminary Development Plans (Exhibit A), at ±53 feet 0 inches, the height of the flat roof is below the 150-foot height maximum. This standard is met.

- b. **Maximum lot coverage** is described in NMC 15.405.040.

Response: The Preliminary Development Plans (Exhibit A) show lot coverage for this project meets the standards of NMC 15.405.014(C). This standard is met.

3. **Sign Standards.** Signs must comply with NMC 15.435.010 through 15.435.120.

Response: Signs are a part of this application. Plans contained within Exhibit A show free-standing and attached wall signage for the hotel. These proposed signs comply with NMC 15.435.010–15.435.020 below. The criteria can be met.

4. **Plan Amendments.** Proposed amendments and adjustments to the specific plan will follow the procedure described in NMC 15.346.050. Exceptions to this amendment and adjustment procedure are as follows:
 - a. Proposed boundary modifications for development areas B through E (see Appendix A, Figure 20) that increase any individual area no more than five percent of its original total acreage will be reviewed under a Type I process. Proposed boundary modifications that change the total acreage of any of the aforementioned development areas more than five percent will be reviewed under a Type III process.
 - b. Proposed boundary modifications for development areas F and G that move a boundary less than 50 feet and do not change the total acreage in a development area by more than 0.1 acre will be reviewed under a Type I process. Other proposed boundary modifications will be reviewed under a Type III process.
 - c. Proposed boundary changes for areas A and H will be reviewed under a Type III process.

Response: Proposed development is located in Development Area F but does not propose boundary modifications. These exceptions do not apply.

5. Residential Design. Multiple, nonrepetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences on any street frontage.

Response: This application does not involve residential development. This standard does not apply.

Division 15.400 Development Standards

Chapter 15.405 LOT REQUIREMENTS

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

Response: Proposed development is located in the C-2 zoning district. This standard does not apply.

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2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

Response: Proposed development is located in the C-2 zoning district. This standard does not apply.

3. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.
4. In the M-1, M-2 and M-3 districts, each lot or development site shall have a minimum area of 20,000 square feet.
5. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.
6. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

Response: Proposed development is located in the C-2 zoning district. This standard is met.

B. Lot or Development Site Area per Dwelling Unit

Response: This application does not involve residential development. This standard does not apply.

- C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

Response: Lot area was calculated per the requirements of this section. This standard is met.

- D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

Response: This application does not involve proposed subdivisions. This standard does not apply.

15.405.030 Lot dimensions and frontage.

- A. Width. Widths of lots shall conform to the standards of this code.
- B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

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- C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.
 - D. Frontage.
 - 1. No lot or development site shall have less than the following lot frontage standards:
 - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.
 - b. Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.
 - c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.
 - d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

Response: The subject property is subject to a recent lot consolidation (File No. PLC19-0001 in Exhibit M) in which conformance with the lot dimensions and frontage was established. The criteria are met.

- 2. The above standards apply with the following exceptions:
 - a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.
 - b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.
 - c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.

Response: The subject property is subject to a recent lot consolidation (File no. PLC19-0001 in Exhibit M) in which conformance with the lot dimensions and frontage was established. Exceptions are not necessary.

15.405.040 Lot coverage and parking coverage requirements.

- B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.
 - 1. Maximum Lot Coverage.

- a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.
- b. R-2 and RP: 50 percent.
- c. AR and R-3: 50 percent.
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.
- 3. Combined Maximum Lot and Parking Coverage.
 - a. R-1, R-2 and RP: 60 percent.
 - b. R-3: 70 percent.

Response: This application does not involve residential development. This standard does not apply.

- C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.

Response: This application involves a hotel development in the C-2 zone district. Per this standard, there is no limit to lot and parking coverage except as created by landscaping and setbacks required elsewhere in this code. This standard is met.

Chapter 15.410 YARD SETBACK REQUIREMENTS

15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.
- 2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.
- 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

Response: The Preliminary Development Plans (Exhibit A) show the proposed building location and compliance with the minimum front yard setback standards for the C-2 district. The criteria are met.

B. Commercial.

Response: Proposed development is not located within an Industrial zone district. This standard does not apply.

C. Industrial.

Response: Proposed development is not located within an Industrial zone district. This standard does not apply.

D. Institutional and Community Facility.

Response: Proposed development is not located within an Institutional or Community Facility zone district. This standard does not apply.

15.410.030 Interior yard setback.

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.
2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.

Response: This section is superseded by NMC 15.346.070(B)(6)(a)(iii), which allows an interior yard setback of 5 feet when development is in the RP zone district of Development Area F. This standard does not apply.

B. Commercial.

Response: Proposed development is not located within an Industrial zone district. This standard does not apply.

C. Industrial.

Response: Proposed development is not located within an Industrial zone district. This standard does not apply.

D. Institutional and Community Facility.

Response: Proposed development is not located within an Institutional or Community Facility zone district. This standard does not apply.

15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.
- D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

Response: The subject property is located on Brutscher Street. As shown on the Preliminary Development Plans (Exhibit A), vision clearance triangles are provided at the entrances from Brutscher Street. The criteria are met.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

- A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.
- B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.
- C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:
 - 1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
 - 2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
 - 3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
 - 4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).
- D. Fences and Walls.
 - 1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
 - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
 - b. Not to exceed four feet in height. Located or maintained within all other front yards.

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2. In any commercial or industrial district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
 - a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.
 - b. Not to exceed four feet in height. Located or maintained within all other front yards.
 3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.
 4. The requirements of vision clearance shall apply to the placement of fences.
- E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).
1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
 2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
 - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or two-family dwelling on a single lot.
 - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
 - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
 - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said

parking areas, service drives or parking spaces shall comply with other requirements of this code.

3. In any commercial or industrial district, except C-1, C-4 and M-1, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district are described in NMC 15.352.040(H).
 4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.
- F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.
- G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts.

Response: At this time, the above-listed exceptions and intrusions into yard setbacks are not planned as necessary. The standards are not applicable.

Chapter 15.415 BUILDING AND SITE DESIGN STANDARDS

15.415.10 Main buildings and uses as accessory buildings.

- A. Hereinafter, any building which is the only building on a lot is a main building.
- B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.
- C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

15.415.020 Building height limitation.

A. Residential.

1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:
 - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.
 - b. Aircraft hangars in the AR district may be the same height as the main building.

Response: This section is superseded by NMC 15.346.070(B)(6)(c), which allows a building height of 150 feet. This standard does not apply.

2. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.

3. Single-family dwellings permitted in commercial or industrial districts shall not exceed 30 feet in height.

Response: Proposed development is not located in an R-3 district and does not involve a single-family dwelling. These standards do not apply.

B. Commercial and Industrial.

Response: Proposed development is not located within an Industrial zone district. This standard does not apply.

C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

Response: Proposed development does not involve a conditional use. This standard does not apply.

D. Institutional.

Response: Proposed development is not located within an Institutional zone district. This standard does not apply.

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and
2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

Response: The Preliminary Development Plans contain architectural drawings of the planned elevations of the structure for this project. The elevation drawings show the structure to be in compliance with NMC 15.346.070(B)(6)(c), which allows a building height of 50 feet. The criteria are not applicable.

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict.

Response: The proposed development is located within the Inner Horizontal Surface of the airport overlay. The Preliminary Development Plans (Exhibit A) contain architectural drawings of the planned elevations of the structure for this project. The elevation drawings show the structure to be in compliance with NMC 15.346.070(B)(6)(c), which allows a building height of 50 feet, well under the 150 feet allowed by the airport overlay. The criterion is met.

15.415.030

Building height exemptions.

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict.

Response: As shown on the Preliminary Development Plans at ±47 feet 0 inches, the height of the flat roof is below the 50-foot height maximum per NMC 15.346.070(B)(6)(c) above. The sloped parapet extends up to ±57 feet 6 inches, under the allowable 18 feet. This criterion is met.

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

15.420.010

Required minimum standards.

A. Private and Shared Outdoor Recreation Areas in Residential Developments.

Response: This application does not involve residential development. This standard does not apply.

b

1. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

Response: All areas that are not proposed for improvement will be landscaped. The criterion is met.

-
2. The following landscape requirements shall apply to the parking and loading areas:
- a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
 - b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.
 - c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.
 - d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).
 - e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 - f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.
 - g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.
 - h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces

shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

- i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).
- ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

Response: The Preliminary Development Plans show that planned landscaping for parking and loading areas included with this project is in conformance with the requirements of this subsection, including islands, blocking, and screening. The criteria are met.

3. **Trees, Shrubs and Ground Covers.** The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.
 - a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.
 - b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.
 - c. **Accent Trees.** Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.
 - d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board.

Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

- e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Ground Cover Plant Material	
Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

Response: The Preliminary Development Plans show that the location and types of trees and groundcover planned for installation with this project meet the standards of this section. The criteria are met.

4. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.
5. Required landscaping shall be continuously maintained.
6. Maximum height of tree species shall be considered when planting under overhead utility lines.
7. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.
8. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

Response: The installation, irrigation, and maintenance requirements of NMC 15.42.010 apply to this project. The Preliminary Development Plans show planned landscape features in conformance with the subsections above. The criteria are met or can be met through future action.

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- B. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

Response: Landscaping required by this chapter will be installed prior to final occupancy permits, or the appropriate security must be provided per this subsection. The criteria are met.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

- A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.
1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
 2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).

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- b. Plant placement shall also adhere to clear sightline requirements as well as any other relevant city safety measures.
 3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
 - a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
 - b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
 - c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
 - d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.
 4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
 - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.
 - b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.
 5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

Response: The Preliminary Development Plans show street trees and sidewalks included. The improvements meet the minimum requirements of the NMC and Public Works engineering standards. It is understood the review body may impose reasonable conditions upon landscaping and amenities in the public right-of-way, as indicated in this section. The criteria are met.

- B. **Planting Strip Landscaping.** All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

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1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.
 2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).
 - a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.
 - b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.
 3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
 - b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).
 - c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

Response: The Preliminary Development Plans show planting strip landscaping— including street trees—in conformance with the requirements of this section. The criteria are met.

- C. **Maintenance.** All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

Response: Required landscaping—including street trees—installed as part of this project will be maintained and pruned for public safety. The criterion is met.

- D. **Exception.** In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are

required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

Response: Proposed development is not located within AI or AR zone districts. This standard does not apply.

Chapter 15.425 EXTERIOR LIGHTING

15.425.020 Applicability and exemptions.

A. **Applicability.** Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.
2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.
3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

Response: The Preliminary Development Plans contain the information required per NMC 15.425.020 to satisfy the requirements of an outdoor lighting plan. The criteria are met.

B. **Exemptions.** The following uses shall be exempt from the provisions of this section:

1. Public street and airport lighting.
2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.
3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:
 - a. **Grand Opening Event.** A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the

beginning and ending dates prior to the grand opening event.

- b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.
- 5. Lighting activated by motion sensor devices.
 - 6. Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.
 - 7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.

Response: Exemptions are understood and will be utilized as applicable.

15.425.030 Alternative materials and methods of construction, installation, or operation.

The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.

15.425.040 Requirements.

A. General Requirements – All Zoning Districts.

- 1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.
- 2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.
- 3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

B. Table of Shielding Requirements.

Table of Shielding Requirements	
Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC 15.425.030
Note: "Incandescent" includes tungsten-halogen (quartz) lamps.	

Response: The Preliminary Development Plans contain the information required per NMC 15.425.020 to satisfy the requirements of an outdoor lighting plan. Required lighting will meet 15.425.030–040 for the installation of outdoor lighting. The criteria are met.

Chapter 15.430 UNDERGROUND UTILITY INSTALLATION

15.430.010 Underground utility installation.

- A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.
- B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.
- C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:
 1. The cost of undergrounding the utility is extraordinarily expensive.
 2. There are physical factors that make undergrounding extraordinarily difficult.
 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

Response: New utilities included with this project will be installed underground, where required by this chapter. The Preliminary Development Plans show planned utilities meeting these standards. The criteria are met.

Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

- A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required

parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

Response: All proposed parking is located on-site. The criterion is met.

- B. Off-street parking is not required in the C-3 district, except for.
- C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

Response: Proposed development is not located within the C-3 or C-4 district. The criteria are not applicable.

- D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

Response: Proposed development is not office, or industrial.

15.440.020 Parking area and service drive design.

- A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.
- B. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

Response: The Preliminary Development Plans show ±80 off-street parking spaces. As shown on the plans, the space and drive aisle layout meet the minimum standards of this section for safety, traffic flow, etc. The criteria are met.

- C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

Response: The site is not planned to be gated. This criterion is not applicable.

- D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences

are located, if required, and is approved by the fire marshal, planning director, and public works director.

Response: Proposed development is not located within the AI or AR zoning districts. The criterion is not applicable.

15.440.030 Parking spaces required.

Parking Spaces Required	
Use	Minimum Parking Spaces Required
Hotel	80

Response: This project involves a new Hotel for Marriott. This is a permitted use per the base zone and the subdistrict. The Preliminary Development Plans show 80 total parking spaces. The criteria are met.

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

- A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.
- B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.
- C. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

- D. All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, shall be screened in accordance with NMC 15.420.010(B).
- E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

Response: The Preliminary Development Plans show the parking area design meets the minimum standards of this section. The criteria are met.

- G. Parking areas for residential uses shall not be located in a required front yard, except as follows.

Response: This application does not involve residential development. The criteria do not apply.

- H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

Response: The Preliminary Development Plans (Exhibit A) show 80 dedicated parking spaces. The criterion is met.

- I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

Response: This application does not involve residential development. This criterion does not apply.

- J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

Response: Transit-related facilities are not planned as a part of this development. This criterion does not apply.

15.440.070 Parking tables and diagrams.

The following tables provide the minimum dimensions of public or private parking areas

Table of Dimensions (in feet)					
Basic Stall			Back to Back	Aisles	
Angle- °	A	B	C	D (one-way)	E (two-way)
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20
45°	12.7	19.1	31.8	12	20
52°	11.4	19.7	33.9	13	20

55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3.3	37	20	20

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210

Stall Width with Corresponding Table of dimensions (in feet)						
Stall Width = X	9	9.5	10	10.5	11	12
Aisle Width = Y	24	24	22	22	20	20

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.

Response: The Preliminary Development Plans show 80 dedicated parking spaces. As shown on the plans, the space and drive aisle layout meet the minimum standards of this section. The criteria are met.

15.440.080

Off-street loading.

- A. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

1. The following standards shall be used in establishing the minimum number of berths required:

Minimum Number of Berths Required	
Gross Floor Area of the Building in Square Feet	No. of Berths
Up to 10,000	1
10,000 and over	2

Response: This project involves a new Hotel.

2. A loading berth shall contain a space 10 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

Response: The Preliminary Development show two dedicated loading berths. As shown on the plans, the loadings berth are 10 feet wide and 35 feet long, with no overhead obstructions. The criteria are met.

3. Additional off-street loading requirements within the C-4 district are described in NMC 15.352.040(H)(7).
4. Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

Response: Proposed development is not located within the C-4 district and does not include an aircraft hangar. The criteria are not applicable.

B. The following provisions shall apply to off-street loading facilities:

1. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

Response: The provision and maintenance requirements of NMC 15.440.080 apply to this project. The Preliminary Development Plans (Exhibit A) show a planned off-street loading facility in conformance with the subsection above. The criteria are met or can be met through future action.

2. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

Response: The proposed loading facility is located on-site and is not subject to a joint use agreement. The criterion is not applicable.

3. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.
4. Design Requirements for Loading Areas.
 - a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or portland cement concrete, maintained adequately for all-weather use and so drained as to avoid flow of water across the sidewalks.

- b. Loading areas adjacent to residential zones designed to minimize disturbance of residents.
- c. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- e. Vision clearance standards as identified in NMC 15.410.060 shall apply.

Response: The Preliminary Development Plans show two dedicated loading berths meeting the standards above. The criteria are met.

Article II. Bicycle Parking

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

Bicycle Parking Requirements	
Use	Minimum Number of Bicycle Parking Spaces Required
New commercial, industrial, office, and institutional developments, including additions that total 4,000 square feet or more	One bicycle parking space for every 10,000 square feet of gross floor area. In C-4 districts, two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater

15.440.110 Design.

- A. Bicycle parking facilities shall consist of one or more of the following:
 - 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.
 - 2. An enclosed locker.
 - 3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
 - 4. Other facility designs approved by the director.
- B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.
- C. All spaces shall be located within 50 feet of a building entrance of the development.
- D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way.

Response: This project involves a new hotel.

Article III. Private Walkways

15.440.130 Where required.

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.

Response: Private walkways included with this project meet the standards of this chapter. The Preliminary Development Plans (Exhibit A) show the improvements as required below. The criteria are met.

15.440.140 Private walkway design.

- A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.
- B. Required private walkways shall be a minimum of four feet wide.
- C. Required private walkways shall be constructed of portland cement concrete or brick.
- D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.
- E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.
- F. The review body may require on-site walks to connect to development on adjoining sites.
- G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.

Response: The Preliminary Development Plans show several sections of private walkways within the project area. The exact location and layout of the private walkways is contingent on final design approval by the City. The criteria are met.

Division 15.500

Public Improvement Standards

Chapter 15.505

PUBLIC IMPROVEMENTS STANDARDS

15.505.020

Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

- A. **Public Works Design and Construction Standards.** The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.
- B. **Street Improvements.** All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.
- C. **Water.** All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.
- D. **Wastewater.** All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.
- E. **Stormwater.** All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.
- F. **Utility Easements.** Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.
- G. **City Approval of Public Improvements Required.** No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

Response: Public improvements included with this project meet the standards of this chapter, as discussed with City staff. The Preliminary Development Plans show the improvements—including water, wastewater, stormwater, and associated utility easements (if needed)—are planned to be constructed to City Public Works design and engineering standards. The criteria are met.

15.505.030

Street standards.

- B. **Applicability.** The provisions of this section apply to:
 - 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.

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2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.
 5. Developments outside the city that tie into or take access from city streets.

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

Response: No new streets are anticipated with this development; however, frontage improvements are required. The Preliminary Development Plans show street improvements, sidewalks, planting strips, etc. as described in detail above.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

Response: No new streets are anticipated for this project. The standards are not applicable.

E. Improvements to Existing Streets.

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets

adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.

3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

Response: Improvements to existing streets are not required as part of development. The criteria are not applicable.

- F. **Improvements Relating to Impacts.** Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

Response: The Preliminary Development Plans illustrate that all public utilities and facilities required to serve the development will be provided. The Applicant is aware that all conditions required as a result of development must be proportional to the impacts of the project. The criteria are met.

- G. **Street Width and Design Standards.**

1. **Design Standards.** All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.
2. **Motor Vehicle Travel Lanes.** Collector and arterial streets shall have a minimum width of 12 feet.

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3. **Bike Lanes.** Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.
 4. **Parking Lanes.** Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.
 5. **Center Turn Lanes.** Where a center turn lane is provided, it shall be a minimum of 12 feet wide.
 6. **Limited Residential Streets.** Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:
 - a. The requirements of the fire chief shall be followed.
 - b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.
 - c. Use for through streets or looped streets is preferred over cul-de-sac streets.
 - d. Use for short blocks (under 400 feet) is preferred over longer blocks.
 - e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.
 - f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.
 7. **Sidewalks.** Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.
 8. **Planter Strips.** Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:
 - a. Additional reinforcement is done to the sidewalk section at corners.
 - b. Sidewalk width is six feet.
 9. **Slope Easements.** Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.
 10. **Intersections and Street Design.** The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.
 11. **The planning commission may approve modifications to street standards for the purpose of ingress or egress to a**

minimum of three and a maximum of six lots through a conditional use permit.

Response: No new public or private streets are planned for this project. The Preliminary Development Plans show street improvements, sidewalks, planting strips, etc. as described in detail above. The criteria are met.

H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

1. The modification is necessary to provide design flexibility in instances where:
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

I. Temporary Turnarounds.

J. Topography.

K. Future Extension of Streets.

L. Cul-de-Sacs.

M. Street Names and Street Signs.

N. Platting Standards for Alleys.

O. Platting Standards for Blocks.

P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created.

Response: No new public streets or extensions, cul-de-sacs, alleys, blocks, or private streets are planned to be included with this project. The criteria are not applicable.

Q. Traffic Calming.

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1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:
 - a. Serpentine alignment.
 - b. Curb extensions.
 - c. Traffic diverters/circles.
 - d. Raised medians and landscaping.
 - e. Other methods shown effective through engineering studies.
 2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

Response: No new streets or extensions are planned to be included with this project.

R. Vehicular Access Standards.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.
3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.
4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

Response: As shown on the Preliminary Development Plans one new driveway access point is planned. The existing shared driveway will be maintained. The criteria are met.

5. Alley Access.

Response: No alleys are planned to be included with this project. The criterion is not applicable.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

Response: No access points currently exist. The criterion is not applicable.

7. Shared Driveways.

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- a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
 - b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
 - c. No more than four lots may access one shared driveway.
 - d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.
 - e. Where three lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

Response: This is a hospitality development with a dedicated parking area and driveways.

8. **Frontage Streets and Alleys.** The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

Response: A frontage street is not necessary.

9. **ODOT or Yamhill County Right-of-Way.** Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

Response: The property abuts a City street.

10. **Exceptions.** The director may allow exceptions to the access standards above in any of the following circumstances:

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- a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
 - b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.
 - c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.
11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.

Response: No exceptions are requested.

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.
2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.
3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.
4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.
5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.
6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.
7. Lighting may be required for public walkways in excess of 250 feet in length.

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8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

Response: The Preliminary Development Plans show existing public walkways (sidewalks) along the frontage, as described in detail above and meeting the criteria in this section. The walkways take into account the landscaping requirements for this development. The criteria are met.

- T. **Street Trees.** Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

Response: As discussed in the landscaping requirements section of this narrative and shown in the Preliminary Development Plans, street trees are planned to be provided per the requirements of NMC 15.420.010(B)(4). The criteria are met.

- U. **Street Lights.** All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

Response: As discussed in the public improvements and design standards sections of this narrative, additional exterior lighting meeting City Public Works design standards is planned to be installed for this project. The Preliminary Development Plans show street lighting. After approval by the City, the lighting will be installed in coordination with City Public Works and the electrical utility. The criteria, as applicable, are met.

- V. **Transit Improvements.** Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
2. A transit passenger landing pad accessible to disabled persons.
3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.
4. Lighting at the transit facility.

Response: Proposed development does not include transit-related facilities, and none currently exist or are planned to exist per the Newberg transportation system plan. The criteria are not applicable.

15.505.040 Public utility standards.

- A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.
- B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.
- C. General Standards.
 - 1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.
 - 2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

Response: The Preliminary Development Plans show the location of utilities included with this project. The design, installation, and maintenance of private and public utilities for this project will meet City of Newberg standards. The criteria are met.

- D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.
 - 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
 - 2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected.

Installation costs shall remain entirely the developer's responsibility.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.
4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.

Response: The Preliminary Development Plans show that the location and size of water facilities meet the City of Newberg standards. The water improvements are planned to be installed and inspected in coordination with City Public Works. The criteria are met.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.
2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.
3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the

development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

Response: The Preliminary Development Plans show the location and size of sanitary sewer facilities meeting City of Newberg standards. The criteria are met.

- F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

Response: The Preliminary Development Plans do not show any necessary utility easements.

15.505.050 Stormwater system standards.

- A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.
- B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.
- C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.
- D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:
 1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.
 2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction

specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

- E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

Response: The Preliminary Development Plans include a preliminary storm drainage plan meeting the design and construction standards of Newberg Public Works. The Preliminary Stormwater Report is included separately.

15.220.070 Additional requirements for development in the C-2 zoning district.

The purpose of this section is to ensure that development in the C-2 zoning district is designed to promote pedestrian and bicycle uses and improve aesthetics and compatibility. An applicant for a new development or redevelopment within the C-2 zoning district, which is subject to the site design review process, must demonstrate that the following site and building design elements have been incorporated into the design of the project. Exceptions to these additional development requirements may be granted if the requirements would result in construction that is out of character with surrounding development. Applicants for redevelopment of a designated landmark will not be subject to these additional requirements, except for requirements regarding parking and service drives.

- A. Building Entrances. Each building on a lot shall have a primary pedestrian entrance oriented to the primary street. "Oriented to a street" means that the building entrance faces the street or is connected to the street by a direct and convenient pathway not exceeding 60 feet in length. "Primary street" means the street which has the highest estimated volume of pedestrian traffic. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way. Such rear buildings shall have a primary entrance oriented to an internal sidewalk or pedestrian pathway system which is internally connected and provides a connection to the primary street.

Response: The Preliminary Development Plans includes an entrance on the primary street. This requirement is met.

- B. Parking and Service Drives. No off-street parking or service drives shall be placed within the required front yard setback. No off-street parking shall be placed between the front property line of

the primary street, as defined in subsection (A) of this section, and the building. This requirement does not apply to buildings that are located behind other buildings on the lot such that 50 percent or more of their building frontage is blocked by the front building, as measured by sight lines that are perpendicular to the street right-of-way.

Response: There are no buildings or parking within the setback. This requirement is met.

D. Building Mass. Where building elevations are oriented to the street in conformance with subsection (A) of this section, architectural features such as windows, pedestrian entrances, building offsets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.

E. Corner Lots. Buildings on corner lots shall have their primary entrance oriented to the street corner, or within 40 feet of the street corner (i.e., as measured from the lot corner). In this case, the street corner shall provide an extra-wide sidewalk or plaza area with landscaping, seating or other pedestrian amenities. The building corner shall provide architectural detailing or beveling to add visual interest to the corner.

Response: The Preliminary Development Plans include a preliminary storm drainage plan meeting the design and construction standards of Newberg Public Works. The Preliminary Stormwater Report is included separately.

F. Pedestrian-Scale Building Entrances. Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian scale.

Response: This requirement is met. The building has a canopy at the entrance.

G. Windows.

1. On commercial building facades facing a public street, windows shall comprise a minimum of 40 percent of the ground floor facade. For large-scale buildings and developments meeting the standards under subsection (H) of this section, windows shall comprise a minimum of 20 percent of the ground floor facade.

2. For large-scale buildings and developments meeting the standards under subsection (H) of this section, 50 percent of all required window area shall allow view into an active space. An “active space” is defined as any area within a building that is used for shopping, dining, office space, and so forth. Merchandise display windows with displays that change at least semi-annually shall be considered an active space. Examples of areas that are considered nonactive spaces are storage and mechanical equipment areas, and windows that are obscured by shelving or material affixed to the window.

Response: This requirement is met for section 1. The building is less than 50,000 SF total.

H. Design of Large-Scale Buildings and Developments.

All buildings on a development site shall conform to the design standards included under this subsection where the total square footage of one commercial building exceeds 30,000 square feet of total ground floor area or all commercial buildings exceed 50,000 square feet of total ground floor area. Deviations from these standards may be approved, where appropriate, through the conditional use permit process.

1. Facade Articulation. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting); and similar features. At least five of the following elements shall be included along each 100 feet of building frontage facing a street:

- a. A building offset or projection of at least six feet depth and width.
- b. An awning or roof sheltering a pedestrian walkway or seating area.
- c. A building facade shall be comprised of at least two building materials, with the lesser comprising not less than 10 percent of the total facade.
- d. Contrasting brick, stone, or natural wood trim.
- e. Pitched roofs or gable-end roofs.
- f. Curved arches or roof line features.
- g. A tower, spire, or cupola.
- h. A cornice.
- i. Second story windows that comprise a minimum of 10 percent of the second floor facade.

Response: The Preliminary Development Plans include a, b, c, d, and i, listed above. The building is longer than 100'.

[Note: the example shown here is meant to illustrate these building design elements, and should not be interpreted as a required architectural style.]

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3. **Pedestrian Entrance.** Every building elevation facing a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance no more than 100 feet from another entrance or end-wall; except that building elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

Response: See development plan. The building has a main reception area. The bedrooms and riser rooms are not public spaces and therefore cannot be entered.

4. **Building Facades Not Fronting a Street.** For all ground floor facades that do not face a public street, windows shall comprise a minimum of 20 percent of the ground floor facade or a landscape strip shall be provided adjacent to the building. The landscape strip shall be a minimum of five feet in width and include a combination of trees, shrubs, and groundcover or grass. Plant material shall be selected from at least two of the different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs). The type of tree selected shall have a crown of less than 15 feet at maturity. Exceptions to this standard include building facades that abut outdoor storage areas, loading docks, and mechanical equipment areas.

Response: Landscaping has been provided that is a minimum of 5' in depth with a combination of trees and shrubs. Due to the nature of the hotel, the windows have been designed to align with the rooms and are provided in sufficient quantity.

- 5.
4. **Building Orientation.** All buildings shall be oriented to a primary street as defined in subsection (A) of this section or oriented to a plaza or open space within the development site that connects to the primary street. "Oriented to a plaza or open space" means that the building entrance faces the plaza, open space, shared parking area or is connected to the plaza by a direct and convenient pathway not exceeding 60 feet in length.

Response: Confirmed, the building is orientated to the primary street.

5. On-Site Landscaping and Screening.

- a. A continuous landscape strip, with a five-foot minimum width, shall be located perpendicular to groups of two or more parking stalls. Within the landscape strip, at a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. The type of tree shall be chosen from the City of Newberg preferred street tree list and have a minimum crown spread of 25 feet. This standard shall apply

unless otherwise approved by the director based on the following alternative standards:

i. No more than seven parking stalls shall be grouped together without a landscape island.

The landscape island shall have a width and depth no less than five feet and contain no less than one deciduous shade tree; or

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, with a maximum of 75 feet, within areas proposed for grouped parking. For every seven planting landscape islands, one shall be no less than 500 square feet in size.

b. At a minimum 50 percent of the parking area shall drain to a stormwater mitigation area. The mitigation area shall be designed using best management stormwater practices including, but not limited to, bioswales, rain gardens, or similar design intended to reduce stormwater flow and improve stormwater quality.

c. A 20-foot-wide landscaped buffer shall be provided between the development and any adjoining residential district. The buffer shall include a continuous six-foot-high sight-obscuring fence or wall, a continuous hedge and/or berm designed to achieve a height of six feet upon maturity, a row of trees not more than 35 feet on-center, and shrubs or living groundcover.

d. Outdoor storage areas, loading docks, and mechanical equipment areas shall be fenced with 75 percent opaque site-obscuring fencing or screened with landscaping between the area and public streets.

e. One square foot of interior open space or plaza space shall be required for every five square feet of gross floor area. The following features shall be included in the open space or plaza area:

i. One linear foot of seating space shall be required for every 30 square feet of open space or plaza space.

ii. One tree shall be provided for every 800 square feet of plaza space or open space.

iii. Pedestrian-scale lighting according to subsection (H)(7) of this section.

Response: See the provided preliminary development plans and stormwater plan. Requirements are met.

6.

Vehicle and Pedestrian Connectivity.

a. Public streets may be required to be dedicated where needed to improve internal circulation, to connect to neighboring properties or streets, to break up large blocks, or to reduce travel around a site.

b. At a minimum, 95 percent of the parking spaces shall be located within 75 feet of a private walkway or public sidewalk.

Response: The requirement for parking spaces has been met.

5. **Pedestrian-Scale Lighting.** Pedestrian-scale lighting shall be located along all internal walkways and provide a minimum illumination of one foot-candle. Building entrances shall have a minimum illumination of five foot-candles. Lighting shall be fully shielded so that no light is emitted at an angle above the horizontal plane as illustrated by the lighting plan. The type of features that should be considered include, but are not limited to, street lamps, light fixtures attached to buildings, and light bollards. All pedestrian-scale light fixtures shall not exceed a maximum height of 15 feet as measured from grade to the fixture lamp. The lens material for all pedestrian-scale lighting shall be constructed of acrylic or similar shatter-resistant material as determined by the director. Glass lenses shall not be used for any pedestrian-scale lighting.

Response: This requirement has been met. Please see the development plan sheet EL2.

6. **Parking.** The number of parking stalls shall not exceed 125 percent of the minimum number of stalls required. Parking stalls constructed of grass blocks, grasscrete, pervious asphalt or concrete, or similar pervious material shall not be counted in this limit.

Response: Parking is per code with one spot per guest unit. Eighty spots are required and eighty spots are provided. Requirement is met.

7. **Existing Development.** Any existing legal conforming site, through future development, exceeding the square footage threshold contained in this subsection (H) shall follow the standards contained in Chapter 15.205 NMC, Nonconforming Uses and Buildings.

Response: This does not apply

8.

10. **Vacancy Agreement.** All large-scale retail development sites as defined in this subsection (H) shall have an abandoned building surety agreement filed with the city. The purpose of the agreement is to ensure a continued attractive business environment in case a building goes vacant. The agreement shall provide measures to maintain the on-site landscaping and exterior of the buildings to their prevacancy condition, and to assist in

finding a future tenant. "Vacancy" is defined as a period exceeding one year without legal occupancy. The terms of the agreement shall include:

- a. A surety bond equal to one percent of the total valuation of the buildings on site.
- b. If the owner fails to maintain the physical exterior of the property or any building on site, the bond may be used for items including, but not limited to: landscape maintenance, exterior building repairs, parking lot paving, amenities in the public right-of-way (lighting, benches, landscaping, etc.). If the cost of maintenance exceeds the amount of the bond, the city will bill the owner. Any unpaid amounts will become a lien on the property.
- c. If the owner fails to legally occupy the site, the bond may be used as an incentive for prospective tenants including, but not limited to: payment of permit fees, application fees, system development charges, funding for on-site landscaping, and facade improvements.
- d. If the surety bond is expended in any amount, the owner shall provide a new surety bond prior to occupancy by a new tenant. The amount of the bond shall be equal to one percent of the value of the building at the time of occupancy.
- e. If at any time prior to one-year vacancy, the director finds the property is in need of maintenance, the director shall notify the owner in writing of the need to maintain the property and the intent to use the bond. Unless the owner provides the needed maintenance or objects within 30 days of the notice, the surety may be used to maintain the property. If the owner objects, the city council will hear the matter and determine whether the surety will be used.

Response: Business owner and city to complete.

11. Environmental Impact. All new large-scale retail development as defined in subsection (H) of this section shall be LEED certified as defined by the U.S. Green Building Council. The terms of approval are as follows:

- a. The applicant shall demonstrate to the director the extent to which the applicant has complied with the commitment to earn a LEED new construction certification rating for a completed project. Demonstration of LEED certification shall be completed prior to the issuance of final certificate of occupancy for the new structure by submitting a report analyzing the extent credits earned toward such rating from the U.S. Green Building Council or another independent entity approved by the director.
- b. With specific regard to the LEED stormwater design category, all buildings shall obtain a total of at least two points in this category.
- c. With specific regard to the LEED water efficiency category, all buildings shall obtain a total of at least one point in this category.
- d. In this section the term "leadership in energy and environmental design (LEED)" means a green building rating system promulgated by the United States Green Building Council (USGBC) that provides specific principles and practices, some mandatory but the majority discretionary, that may be applied during the design, construction, and operation phases, which enable the building to be awarded points from reaching present standards of environmental efficiency so that it may achieve LEED certification from the USGBC as a "green" building, as such rating system exists on January 1, 2009.

e. The USGBC intends to release a revised version of the LEED green building rating system every three years, and the director shall refer to the most current version of the LEED when reviewing a new building construction permit project or renovation.

f. The LEED existing building rating system shall be used during retrofit projects of existing structures.
[Ord. 2711 § 1, 3-16-09; O

Response: N/A

IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Newberg Municipal Code and Public Works engineering standards. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests the City approve this Type II site design review application.